

**CITY OF SEABROOK
ORDINANCE NO. 2016-10**

**ALTERING SPEED LIMITS ALONG SH 146 FRONTAGE
RED BLUFF ROAD/SEABROOK CIRCLE**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 90 "TRAFFIC AND VEHICLES" ARTICLE II, "SPEED RESTRICTIONS", SECTION 90-31 "ENUMERATION OF LIMITS" BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356, TEXAS TRANSPORTATION CODE, UPON BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, WITHIN THE CORPORATE LIMITS OF THE CITY OF SEABROOK, ALONG SH 146, FRONTAGE ROAD NORTH AND SOUTH OF RED BLUFF ROAD, AND SEABROOK CIRCLE, AS SET OUT IN THIS ORDINANCE; AND PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Section 545.356, Vernon's Texas Civil Statutes, provides that whenever the governing body of the city shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the city, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

WHEREAS, the City Council of the City of Seabrook has determined the necessity for this Ordinance to alter the prima facie speed limits along SH 146, frontage roads north/south of Red Bluff Road, and south of Seabrook Circle from the results of an engineering and traffic investigation/Speed Zone Study from the Texas Department of Transportation, as provided for therein, and

WHEREAS, the City Council of the City of Seabrook has determined the necessity for this Ordinance in order to comply with statutory law and preserve the health, safety and well-being of the residents, citizens and inhabitants of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. COMPLIANCE WITH TRANSPORTATION CODE.

Upon the basis of an engineering and traffic investigation conducted by the Texas Department of Transportation heretofore made for the following amendments, attached hereto and as authorized by the provisions of Section 545.356, Texas Transportation Code, the following amended prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described in the amendments below.

SECTION 3. AMENDMENT TO THE CODE.

The Seabrook City Code, Chapter 90 "Traffic and Vehicles", Article II. "Speed Restrictions", Section 90-31 "Enumeration of Limits", is hereby amended as follows:

"Sec. 90-31. Enumeration of limits.

Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Section 545.352 *et seq*, specifically including Section 545.356, Vernon's Texas Civil Statutes, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

- (1) Maximum speed limit established. The maximum speed limit on any road, street, avenue, boulevard or highway within the city limits shall be 30 miles per hour, unless specifically excepted by this section.
- (2) Exceptions. Notwithstanding the provisions of subsection (a) of this section, the maximum speed limits on the following roads, streets, boulevards and highways or portions of same, shall be as follows:

NASA Road 1 (formerly F. M. 528), for its entire length within the city, being from the western city limits to its intersection with State Highway 146, 45 miles per hour.

Red Bluff Road, from the west city limits to State Highway 146, a distance of approximately 0.90 mile, 45 miles per hour.

Red Bluff Road, from a point 400 feet west of Park Drive to Todville Road, 35 miles per hour.

Repsdorph Road, for its entire length, a distance of 1.40 miles, 35 miles per hour.

~~[SH 146 from the northern limits of the City of Seabrook to 1367 feet north of Repsdorph Road, a distance of approximately 1.369 miles, 50 MPH.]~~

~~[SH 146 from 1367 feet north of Repsdorph Road to the centerline of Third Street, a distance of approximately 1.000 mile, 35 MPH.]~~

~~[SH 146 from the centerline of Third Street to the southern limits of the City of Seabrook, a distance of approximately 0.902 miles, 45 MPH.]~~

Todville Road, from a point 600 feet north of East Meyer Avenue to the north city limits, a distance of 1.60 miles, 35 miles per hour.

El Mar Lane, between Bahama Drive and North Meyer Avenue of 25 miles per hour.

Along SH 146, two-way west frontage road, from the 2455 feet north of Red Bluff Road (north city limit of the City of Seabrook) to the 1821 feet north of Red Bluff Road, a distance of approximately 0.120 mile; the speed limit shall be 35 miles per hour.

Along SH 146, one-way west frontage road, from the 1821 feet north of Red Bluff Road to the 960 feet south of Red Bluff Road, a distance of approximately 0.527 mile, the speed limit shall be 35 miles per hour.

Along SH 146 main lane from 1367 feet south of Red Bluff Road to the 68 feet south of Seabrook Circle, a distance of approximately 0.320 mile; the speed limit shall be 50 miles per hour.

Along SH 146 main lane from 68 feet south of Seabrook Circle. to the south city limit of the City of Seabrook, a distance of approximately 2.416 miles; the speed limit shall be 45 miles per hour."

SECTION 3. PENALTY CLAUSE; INCLUSION INTO THE CODE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Two Hundred Dollars (\$200.00) per offense. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extents of such inconsistency or conflict, hereby repealed.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE BY PUBLICATON

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication and posting of signs in accordance with law.

SECTION 7. NOTICE BY ERECTION OF SIGNS

This Ordinance shall become effective upon appropriate erection of speed zone signage to establish and provide additional notice of the establishment of the subject school zones speed limit during school-designated times as provided for herein.

PASSED AND APPROVED on first reading on this 1st day of March, 2016.

PASSED AND APPROVED on second and final reading on this 15th day of March, 2016.

By: Glenn Royal
Glenn Royal, Mayor

ATTEST:

By: Robin Hicks
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven Weathered
Steven Weathered, City Attorney

